

EXHIBIT G

as I can research and hand copy case law Constitutional
law and Civil and Criminal ~~Court~~ Court Rules
as required To file aFFective Civil Action
as well as defend my self in Criminal Court

The following are some of actions That are
To be filed and court errors and constitutional
questions of law and rights and prisoner rights

I in aFFective Counsel Super Court

(A) The STaTe Failed To keep a commitment
conserning sentence recommendations

(B) Pre Sentence Report was not seen by me

There For I could not explain or denie 6 and usca

(C) Victim impact statements or other statement

used at and for Sentencing were not heard by me

(D) Pre Sentence report may be incomplete

where my son my nighbars my mom were not questiond

(E) This Form Shows 2-5 year presumption to be considered
This is filled out in attorneys hand writing mandatory to

(F) Counsel Failed To give mitigating facts as required

(G) counsel failed To properly investigate evidence proof

(H) Counsel Failed To show porn addiction and The help I
sought for this problem no collections

(I) no fact that I was a single father for 9 years

(J) Abuse of a Search Warrant Det Wood against
my will questioned my son 9 year old sexual question got caught
by my sister against 115-2301 10/10/04 Family Court 5(B) This
was rummaging and property had not been removed I was not
under arrest no adult present my son would had been my
witness a flagrant abuse of power scared my son detained

(K) Prosecution Lied 3 Times in court Det Wood Lied 1
Time and purposely deceived about 1 homosexual photo only

(L) My Counsel totally unprepared as paid counsel stating she
can handle it and she could not totally incompetent affected the plea

(m) questioned me during search warrant no memorandum

(n) Accuser had no lie detector if she had she would fail

(o) immunity laws Perjury of accuser and mother of accuser and obstruction of justice by accuser & accusers mother self incrimination laws

(P) Constitutional Questions of Law

(1) Striped of Voting Right 1st Amd USCA

(2) Striped of Del Driver Licence above The Plea and sentencing Guidelines no crime To account For Punishment

Law not rational Legitimate State interest

(3) Classification in a Violent Felony. Not admitted or found guilty is above guidelines adds punishment after sentencing and Prison Changes after sentencing and has additional punishment after sentencing in The Point system as well as time in Guidelines

Constitutional Questions of Law

(4) Del Code 11 § 270 allows for married people to escape prosecution equal protection USCA Liberty

(5) Del Code 13 & 123 allow one to marry without age limits

(6) Knowing 11§762 defined 11§231 12 years and up

(7) defence of consent victim participation 11§451

(8) Construction of Provisions Delcode 11§308 equal Protection

(9) Liberty USCA 14 amend under Lawrence v Texas age

(10) extortion force fear threats of The Plea System and The direct association with The inflated guideline and brand punishment non violent less punishment

(11) violent and non violent crime class not rational

(12) Moral Law Lawrence v Texas International Law

(13) Question of mandatory Sentencing Apprendi Fairness

(14) The Competence of sentencing Commission only 1 defence attorney in 11 unfair

(15) Depict This word is making not looking uscn

(17) international law state law association To moral law and The legitimate state interest

(18) Looking at Photos usca moral law rational

(20) Down loading knowing I don't know what's comming

(21) Age in states and internet international age of consent

(22) appeals court rules Law how to appeal 61 motion

(23) Supreme court rules Laws Forms appeals

(24) Filing constitutional suites Supreme Court Certification

(25) damage done To families verses moral Law and accomplice in crime willing participant or accomplice

(26) judges record of accepting pleas on certain crimes pre-judice in Type of crime and association To plea acceptance for sex crimes Superior Court

in my Federal Court Case 05-84-JJF

- ① denial of access To The Courts, 6 amendment
- ② denial of religious services, ③ privileges, ④ Law Library,
- ⑤ Greivance system with no remedy, ⑥ Medical request unheard no remedy, ⑦ no Mental health help ⑧ Retaliation for filing grievances
- ⑨ Tampering with food, ⑩ impeding legal action.
- ⑪ Retaliation To stop legal action ⑫ Constitutional rights of prisoners, ⑬ Whistle Blower STATUS for officer witness ⑭ Subpoena's For Witnesses, Court Appointed Master ⑮ Medical records Greivance records
- ⑯ Court Rules for District Court and ⑰ Court of appeals
- ⑱ Supreme Court ect none of This Law Do I know or can fully understand with out "Research" This is some aspects There are more as The Court is aware

EXHIBIT H

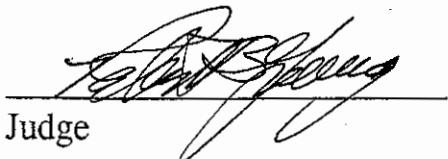
IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

In Re: :
MONTY PEPPER : C.A. No. 05M-11-009 RBY
:

ORDER OF REFERENCE

This 17 day of November, 2005,

IT IS ORDERED that the Petition for Return of Property in the above matter is referred to Superior Court Commissioner Andrea M. Freud for proposed findings and recommendation pursuant to 10 *Del. C.* § 512(b) and Superior Court Civil Rule 132.



Judge

oc: Prothonotary
cc: Hon. Andrea M. Freud
Attorney General's Office
Petitioner
File

my
copyIN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

Monty Pepper Petitioner) C.A. No. _____
 vs.) Jury Trial Demanded:
 State of Delaware) yes no
 Respondent)
)
)

PETITION FOR RETURN OF PROPERTY

Pursuant to 16 Del.C. § 4784 (j) and Superior Court Civil Rule 71.3, Claimant petitions the Court for return of property seized pursuant to 16 Del.C. § 4784.

1) (a) Name of Claimant Monty Pepper

(b) Address D.C.C. 1181 Paddock Rd
Smyrna De 19977

(c) Telephone Number n/a

2) Description of the property sought to be returned:

Computers CD Rom Drive moddog

Flloppics CDs other

property as to warrant inventory

case no 040201284 0401017318

3) Description of your ownership/interest in the property and how you acquired it:

purchased Dell new from Dell

other's Auction CD Rom moddog new

Office max Flloppys ? used & new

IN AND FOR KENT COUNTY

STATE OF Delaware

✓ Respondent

ACTION #

Monty C Pepper

Petitioner

ID no #

case no 0402012084

case no 0401017318

MOTION TO

To Hold and/or Return Property

Now Comes Monty Pepper Pro Se Do here by request The court To stay The disposal of property held by The State, seized Jan/22/2004 by DeCt. Wood by a warrant of search and seizure prsuant To 11 DelC 2301 AT residant of 228 Golden Rd Felton Del 19943

Property in question numerous Computers Software CD Rom Drive Floppics other as set in warrant inventory I need To obtain inventory list

AT Plea Colloqui Beth Savitz asked For computers To be returned verbally -- indicating That I wanted property Returned on 8/16/2004 "saying That I wanted my son's computers returned"

On 10/12/2004 I fired Beth Savitz as counsel due to her ineffective counsel

The office of Disciplinary Counsel has been contacted to investigate Beth Savitz 10/10/2005 - +

From 10/1/2004 to 4/30/2005 DCC denied legal calls to attorney's and impeded my access to Law Library and Legal material, no access to counsel from 10/1/2004 to 2/1/2005

I asked Sheryl Rush Milstead esq Public Defender in a letter on Apr 5 2005

She states the Plea agreement controls and colloquy clearly sets forth the agreement that all such property shall be forfeited, yet at Colloquy a verbal request was made

Prior To Plea I indicated That I wanted my son's computer's and other property returned This is what was told To Beith Savitz

Def code 11 § 2311

a determination independent of a guilty verdict The statute permits for forfeiture only if the property was used in the commission of a crime and that requires a determination made independently of a guilty verdict

waver of jury There after defendant should be accorded an opportunity to elect a trial by jury on the use issue if the defendant fails to demand such trial the defendant should be deemed to have waived it 331 A2d 385

AT Colloqui The demand for computer was made clear

Due process requirements when Forfeiture is sought The state should be obligated To file prior To Trial : as part of The criminal action on appropriaT pleading or request so That notice and other procedural requirements of due process may be met

Beth Savitz made no attempt To inform me of my rights To property even after repeated request . Knowing That The property was not used in The commission of a crime as decribed in 11§ 2311

AT sentencing again I made note of property and The obstruCtion To Law Library and Legal material which made iT impossible To find my rights To or file ReTurn of PropreTy PeTition

Beth Savitz also failed To inform The court or Take proper action To Det Woods abuse of a warrant by illegally questioning my 9 year old son with out my permission

with out a adult present asking sexual questions agenST his specific warrant agenST 11 Del code 2301 and 10 Del code 1004 Duties of a officer and Family Court -- Criminal Procedure Rule 5(b) DeT Wood attempted To do This securitly during The search and was caught by my sister This illegal act was done knowing That my son would be my witness at a trial in the act of seperating me from my son shows a conspired act between DeCT Wood and other officers who used their Police powers To seperate us yet I was not accused of a crime.

This is a abuse of a search warrant and a abuse of Police Power agenST my constitutional rights 1st 6th 14th Amendments and 11 Del code 2301 search and seizure Due To D.C.C Restricting my access To Law material I as Pro Se unexperienced litigant and only 5 1/2 hour a week

To research law, action on 32 b of 61 under Rights That were violated and Constitutional questions of law as well as certification of Law and rational question of Legislation will be presented at The earliest date possible

Also due to the constitutional Rights part mentioned in this motion Those Rights that Delaware Correctional Center has abridged and abuse I have received as described in Civil action No 05-084-JJF case 1:05-cv-00084-JJF my ability to make timely motions has been greatly impeded

The knowledge of Return of Property Petition was made to me Dec 14 04 being restricted from law library impeded my ability to file

Rule 40 criminal Forfeiture

Motion for Forfeiture when The state seeks to forfeit property of a person charged with a criminal offense pursuant to a statute authorizing a criminal Forfeiture such as 11 Del Code 1506 11 Del Code 2324 iT shall file a motion for Forfeiture not later than 20 days before a trial of the of the criminal offence The motion shall allege the factual and legal basis for Forfeiture and the extent of the interest of property subject to Forfeiture

I was not presented with a motion and was not informed of a motion before the trial date of 8/16/04 , the statement at colloqui that I wanted my sons computers returned made iT clear to the court and

The STATE I wanted my property returned Beth Savitz was also told This was only one of many mistakes made by Beth Savitz esq

11 Del Code 5122 Empowers The Superior Court

To rule : any inconsistency between Del code and rules of Criminal procedure must be resolved in favor of The rules

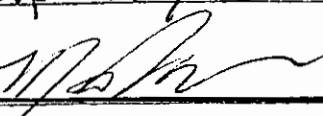
859 A2d 624 2004

Conclusion

I ask The court To hold property or return property That was not included in a criminal charges as 11 § 2311 Del Code requires, To be given To my son Matthew Pepper at 1808 berry-Town Rd Felton Del 19943 and guardian of

I ask The court To stay disposial of property untill I can file in Forma Pauperis and obtain copys of Colloqui and actual proceedings and file under 16 Del C § 4784 which Beth Savitz esq failed To do and or at filing of a 32 b or 61 post conviction and The investigation completion by Disciplinary Counsel

OCT 28 2005

Pro Se 

Monty Pepper

D.C.C.

1181 Paddock Rd

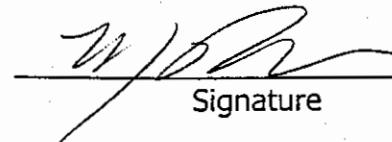
Smyrna Del

19977

VERIFICATION

STATE OF DELAWARE:
NEW CASTLE COUNTY: SS.

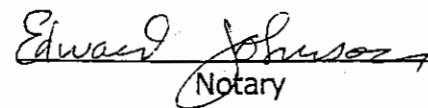
Comes now Monty Pepper, and having been sworn according to law deposes and says that he/she is the Petitioner in the foregoing Petition for Return of Property and that the matters stated in said Petition are true and correct to the best of his/her knowledge, information and belief.



Signature

Date: OCT 28 05

Sworn to and subscribed before me this 28 day of OCT, 05.



Notary

EXHIBIT I

879 A2d 1111 2005 Visual Depict 10.13
Dec 15

1 Criminal law key 1139 Jonathan Moore v ST Magistrate

interpretation of a Statute is a question of law and therefore a Court of Appeals reviews the Circuit Courts decision interpreting a Statute de novo upon a grant of Certiorari.

Holding Upon a grant of Certiorari The Court of Appeals Raker is held that the phrase "To use a computer to depict or describe" as used in a Statute providing that a person may not use a computer to depict or describe a minor engaging in a obscene act sadomasochistic abuse or sexual conduct mean to use a computer to "Create" not use a computer to download and thus a person who downloads visual representations of a minor engaged in obscene act or sexual conduct does not violate the Statute Statutes key 181 (1)

2 The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature Statutes key 184 188 190

3 To ascertaining legislative intent of a Statute

First examines the plain language. If the plain language is unambiguous and consistent with the apparent purpose of the Statute, it gives effect to the Statute as it is written.

"unreasonable application" of precedent

"clearly established" standard

COURTS 100

2 exceptions to Teague doctrine of non retroactivity

1 The rule places a class of private conduct beyond the power of the state to proscribe and when the rule is a watershed rule that implicates the fundamental fairness and accuracy of the criminal proceeding.

Supreme Courts decision in Lawrence v Texas holding that states could not make law that criminalized homosexual sodomy between adults "did not announce new rule of criminal procedure as to be subject to Teague" retroactivity analysis but instead announced new substantive rule that applied retroactively on fed habeas review 28 USC 2254

(12) Basically Lawrence ~~as made~~ no new fundamental right to sexual conduct —

Lawrence is a new substantive rule and is thus retroactive Anderson v Marro 371 F3d 1022 2004

412 F3d 818

274.5 (2002)

Due process Clause does not permit a state to infringe on the fundamental right of parents to make child-rearing decisions simply because a state believes a "better" decision could be made USCA Const Amend 14

Pa 2003 274.5

where laws infringe upon certain rights considered fundamental such as right to procreate right to marry and the right to procreate courts apply strict scrutiny test for purpose of substantive due process analysis under that test law may only be deemed constitutional if it is narrowly tailored to compelling state interest

Nixon v Com 839 A2d 277 576 Pa 385

Law to vary
To put force and
not in

nd 2003 274.5

certain fundamental rights are protected under the United States Constitution and among those rights are a parent's rights Fourteenth Amendment fig. liberty interest in raising his or her children as he or she see fit without undue interference by the state USCA Const Amend 14 Yes 819 A2d 1030

Rational basis test

Rule 32 super

Jan 24

Check's v State 2000 WL 1 508578
Del super citng Mayes v State 604 Awd 839
842-213 Del 1992
ward v State 567 Awd 1296 1297 Del 1989
Fink lowered

788

Fink's possession of multiple photographs depicting CP constituted multiple violations of both the dealing and the possession statute. Each picture is a crime against the child depicted as well as an offense to society. Given the express intent of the General Assembly to prohibit (dealing) in individual items of material depicting child

P Fink argument that he could only be charged with one download or download with only one photo album were multiple pictures appears within one there for only count under 111109(4) or 1111115 fails to persuade us that trial judge erred

I

10 : 10

Jan 24 06

improper comments so infected the trial with unfairness as to make the resulting conviction a denial of due process

Jan 24 This of CP pursuant to 1111(1) constitutes a lesser included offence of dealing with CP pursuant to 1109(4) and therefore is the same offense under the Block bug test the trial record reveals that over 190 images of alleged CP were presented to the jury the jury could therefore have easily found that 15 different pictures met the elements of dealing in CP and 15 other pictures met the elements of 'possession' of CP. The elements of dealing in CP

The dealing counts were not dependent upon images or depictions necessarily used for conviction of possession of CP therefore the rule against multiplicity was not violated because the double Jeop Clause ~~was~~ is not implicated when multiple separate violations of the two distinct statutes are charged multiple counts

~~2005~~ Jan 12:50

Double Jeopardy

when the same conduct violates two statutory provisions the first step in a double jeopardy analysis is to determine whether the legislature intended that each violation be treated as a separate offense

USCOS 18 U.S.C. and 5

Double Jeopardy

Do Jeo Clause is not implicated when multiple separate violations of two distinct statutes are charged in multiple counts
overly broad
where may have become broad

EXHIBIT J

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MONTY C. PEPPER,)
Plaintiff,)
v.) C.A. No. 05-084-JJF
Warden THOMAS CARROLL, C/O)
BAMBI THOMAS, C/O JAMES)
GARDELS, C/O THOMAS SEACORD)
Defendants.)

AFFIDAVIT OF ED JOHNSON

I, Ed Johnson, having been duly sworn according to the law, do hereby depose and state the following:

1. I am employed by the State of Delaware, Department of Correction at the Delaware Correctional Center (“DCC”) near Smyrna, Delaware as a Paralegal. I have been employed by the Department of Correction for 10 years. My duties include providing legal materials to inmates as requested in the main prison law library. This information is accessed through Westlaw or from existing files of the main Law Library. Also, I provide photocopies and notary service to inmates. I assist with managing and maintaining a file for each inmate regarding their legal requests for appointments for the law library. I have held this position since 1995.
2. In response to a request from the State of Delaware Department of Justice, I have obtained documentation relating to the frequency of inmate Monty Pepper’s appointments at the law library, and the number of hours he has in the law library each week.
3. The main law library at DCC serves most of the approximately 2400 inmates at DCC, in addition to the requests sent by inmates at the Central Violation of Probation Center.

3. Inmates make appointments to use the main law library at DCC. They submit a request form for the days that they wish to use the library. They are then assigned an appointment time.

4. The main law library can accommodate up to twenty inmates at one time. The number is limited for space, supervisory and security purposes.

5. If an inmate has a court deadline he is allowed extra time in the law library. The inmate who has a court deadline of ten days to two weeks is given preference for appointments and is allowed as much time as needed in the library. A court deadline of sixty days hence is not considered urgent enough to give an inmate extra time in the library.

6. Inmates come to the law library at approximately 9:45 A.M. This is not considered a scheduled appointment time. For security reasons inmates who have appointments in the afternoon at the law library are brought over at 9:45 A.M. They are allowed to use the books and do research between 9:45 and 11:30 A.M. They then come back at 12 noon, after lunch, for their scheduled appointments, and are in the library from 12 noon to 2:20 P.M. This allows an inmate two hours and twenty minutes in the afternoon, and one hour and forty five minutes in the morning.

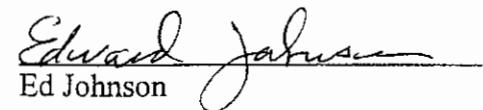
7. Inmate Pepper has sent in appointment requests for 40 law library appointments between August 5, 2005 and February 7, 2006.

8. He has been granted appointments and has had 40 appointments set up with the law library between August 5, 2005 and February 7, 2006. He has failed to appear for 11 appointments.

9. He has regularly been scheduled for appointments at his request, on Wednesdays and Fridays.

10. Inmate Pepper has approximately eight hours per week in the law library.

11. Mr. Pepper continues to have access to the above-listed legal resources.
12. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.


Ed Johnson

SWORN TO AND SUBSCRIBED BEFORE ME THIS 8 DAY OF Feb, 2006.

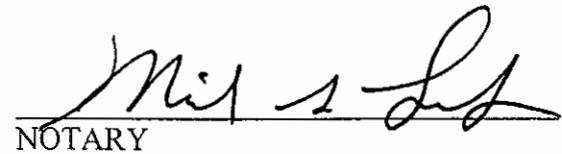

NOTARY

EXHIBIT K

DCC LAW LIBRARY APPOINTMENTS
FOR WEEK OF: 08/15/05

FRIDAY MORNING

	NAME	SBI	BLDG
(<input checked="" type="checkbox"/>)	CUBBAGE, JARID		W
(<input type="checkbox"/>)	ROYAL, EDWARD		V
(<input checked="" type="checkbox"/>)	FLEMING, SEBRON		W
(<input checked="" type="checkbox"/>)	ZUPPO, ANTHONY		W
(<input checked="" type="checkbox"/>)	BRUTON, RAYMOND		W
(<input type="checkbox"/>)	GRiffin, GREGORY		V
(<input checked="" type="checkbox"/>)	CRUMP, ERNEST		W
(<input checked="" type="checkbox"/>)	BROWN, WINFRED JR		V
(<input type="checkbox"/>)	NIEVES, LUIS		V
(<input type="checkbox"/>)	REESE, MICHAEL		V
(<input checked="" type="checkbox"/>)	REED, RONALD		V
(<input type="checkbox"/>)	BAILEY, EDMUND		W
(<input checked="" type="checkbox"/>)	PEPPER, MONTY		V

17
16

PARALEGAL APPOINTMENTS

	NAME	SBI	BLDG
(<input type="checkbox"/>)	SAMPSON, EUGENE		W H.S.
(<input checked="" type="checkbox"/>)	KRAFCHICK, STEVEN		V 11
(<input checked="" type="checkbox"/>)	HARDEN, WALLACE		W W.S.
(<input checked="" type="checkbox"/>)	WELLS, JAMES		V 11

SPECIAL APPOINTMENTS

NAME	SBI	BLDG
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DCC LAW LIBRARY APPOINTMENTS

FOR WEEK OF: 08/29/05

WEDNESDAY AFTERNOON

8+9=17

NAME	SBI	BLDG
(<input checked="" type="checkbox"/>) BROWN, WINFRED SR		V
(<input type="checkbox"/>) DYTOM, JAMES		W
(<input checked="" type="checkbox"/>) BROOKS, DASHAWN		W
(<input checked="" type="checkbox"/>) ROYAL, EDWARD		V
(<input type="checkbox"/>) MORRIS, DASHAUN		W
(<input type="checkbox"/>) BRUTON, RAYMOND		W
(<input checked="" type="checkbox"/>) FLEMING, SEBORN		W
(<input type="checkbox"/>) CUBBAGE, JARID		W
(<input type="checkbox"/>) MCMILLIAN, BENJAMIN		W
(<input type="checkbox"/>) BACON, RONALD		W
(<input type="checkbox"/>) WIDGEON, CECIL		W
(<input type="checkbox"/>) NEWSOME, WILLIE		V
(<input checked="" type="checkbox"/>) REESE, MICHAEL		V
(<input checked="" type="checkbox"/>) BAILEY, EDMUND		W
(<input type="checkbox"/>) FRANCIS, WILLIAM		W

19
10

-8+10=18

PARALEGAL APPOINTMENTS

NAME	SBI	BLDG
(<input checked="" type="checkbox"/>) KRAFCHICK, STEVEN		V H.S.
(<input type="checkbox"/>) REED, RONALD		V L
(<input checked="" type="checkbox"/>) PEPPER, MONTY		V U
(<input checked="" type="checkbox"/>) NEWSOME, WILLIAM		V U

SPECIAL APPOINTMENTS

NAME	SBI	BLD
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DCC LAW LIBRARY APPOINTMENTS
FOR WEEK OF: 09/05/05

WEDNESDAY AFTERNOON

	NAME	SBI	BLDG
(<input checked="" type="checkbox"/>)	FOREMAN, ELIJAH		W
(<input type="checkbox"/>)	WIDGEON, CECIL		W
(<input checked="" type="checkbox"/>)	ANDERSON, PETE		W
(<input type="checkbox"/>)	BRUTON, RAYMOND	work release	W
(<input type="checkbox"/>)	CUBBAGE, JARID		W
(<input type="checkbox"/>)	MORGAN, ANTHONY		W
(<input type="checkbox"/>)	HARBER, DEMARRO		W
(<input type="checkbox"/>)	LABERGE, ROGER		V
(<input checked="" type="checkbox"/>)	BROWN, WINFRED SR		V
(<input type="checkbox"/>)	BAILEY, EDMUND		W
(<input checked="" type="checkbox"/>)	FLEMING, SEBRON		W
(<input checked="" type="checkbox"/>)	PASWUALS, MICHAEL		W
(<input checked="" type="checkbox"/>)	SAMPSON, DELBERT		W

0935

PARALEGAL APPOINTMENTS

	NAME	SBI	BLDG
(<input checked="" type="checkbox"/>)	KRAFCHICK, STEVEN	D-E	V
(<input checked="" type="checkbox"/>)	PEPPER, MONTY		V
(<input checked="" type="checkbox"/>)	ZUPPO, ANTHONY		W
(<input type="checkbox"/>)	SERRANO, VICTOR		W

SPECIAL APPOINTMENTS

NAME	SBI	BLD
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DCC LAW LIBRARY APPOINTMENTS
FOR WEEK OF: 09/12/05

MONDAY AFTERNOON

NAME	SBI	BLDG
(<input type="checkbox"/>) COLLINS, JOHNNY		E
(<input checked="" type="checkbox"/>) ORTIZ, CARLOS		E
(<input type="checkbox"/>) MORGAN, THOMAS		E
(<input type="checkbox"/>) PARULAK, PAUL		E
(<input type="checkbox"/>) MARINE, RICKY		E
(<input checked="" type="checkbox"/>) FINK, KENNETH		E
(<input checked="" type="checkbox"/>) PAYNE, JERRY		E

5 + 4 = 9

PARALEGAL APPOINTMENTS

NAME	SBI	BLDG
(<input checked="" type="checkbox"/>) McCAFFERTY, HUGH		E W.T
(<input type="checkbox"/>) McCORKLE, DAVID		E L.K
(<input type="checkbox"/>) LOFLAND, AMOS		E A.S.
(<input type="checkbox"/>) PEPPER, MONTY		V II

-2 + 7 = 9

SPECIAL APPOINTMENTS

NAME	SBI	BLDG
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DCC LAW LIBRARY APPOINTMENTS
FOR WEEK OF: 09/12/05

FRIDAY MORNING

	NAME	SBI	BLDG
(<input checked="" type="checkbox"/>)	RESSE, MICHAEL		V
(<input checked="" type="checkbox"/>)	RICHARDSON, LARRY		V
(<input checked="" type="checkbox"/>)	RIVERA, FRANCISCO		W
(<input checked="" type="checkbox"/>)	ZUPPO, ANTHONY		W
(<input checked="" type="checkbox"/>)	RONDON, ROBERT		W
(<input checked="" type="checkbox"/>)	PEPPER, MONTY		V
(<input checked="" type="checkbox"/>)	CRUMP, ERNEST		W
(<input checked="" type="checkbox"/>)	LIONEL, ASHLEY		W
(<input checked="" type="checkbox"/>)	JOHNSON, RYAN		V
(<input checked="" type="checkbox"/>)	BROWN, WINFRED SR		V
(<input checked="" type="checkbox"/>)	FLEMING, SEBRON		W
(<input checked="" type="checkbox"/>)	BAILEY, EDMUND		W
(<input checked="" type="checkbox"/>)	<i>Warrington, Robert</i>		V

17
9

PARALEGAL APPOINTMENTS

	NAME	SBI	BLDG
(<input checked="" type="checkbox"/>)	HARDEN, WALLACE		W W.J.
(<input checked="" type="checkbox"/>)	ESDAILE, DONOVAN		W II
(<input checked="" type="checkbox"/>)	CUBBAGE, JARID		W II
(<input checked="" type="checkbox"/>)	RUSSELL, JAMES		W II

SPECIAL APPOINTMENTS

NAME	SBI	BLDG
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**DCC LAW LIBRARY APPOINTMENTS
FOR WEEK OF: 09/19/05**

WEDNESDAY AFTERNOON

7+10=17

	NAME	SBI	BLDG
(<input checked="" type="checkbox"/>)	PASQUALE, MICHAEL		W
(<input type="checkbox"/>)	FLEMING, SEBRON		W
(<input checked="" type="checkbox"/>)	PEPPER, MONTY		V
(<input checked="" type="checkbox"/>)	ANDERSON, RICHARD		W
(<input type="checkbox"/>)	BAILEY, EDMUND		W
(<input checked="" type="checkbox"/>)	BROWN, WINFRED JR		V
(<input checked="" type="checkbox"/>)	FINK, KENNETH		W
(<input checked="" type="checkbox"/>)	BELL, DANIEL		V
(<input type="checkbox"/>)	WEIDGEON, CECIL		W
(<input type="checkbox"/>)	DEPUTY, KENNETH		W

*14
15
16
17*

-9+8=17

PARALEGAL APPOINTMENTS

	NAME	SBI	BLDG
(<input checked="" type="checkbox"/>)	ZUPPO, ANTHONY		W W.J.
(<input checked="" type="checkbox"/>)	CUBBAGE, JARID		W II
(<input checked="" type="checkbox"/>)	BROWN, WINFRED SR		Y W
(<input checked="" type="checkbox"/>)	HARDEN, WALLACE		W II

SPECIAL APPOINTMENTS

	NAME	SBI	BLD
(<input checked="" type="checkbox"/>)	Fisher, Royal		C

DCC LAW LIBRARY APPOINTMENTS
FOR WEEK OF: 09/19/05

FRIDAY MORNING

	NAME	SBI	BLDG
(<input checked="" type="checkbox"/>)	PASQUALE, MICHAEL		W
(<input checked="" type="checkbox"/>)	FLEMING, SEBRON		W
(<input checked="" type="checkbox"/>)	PEPPER, MONTY		V
(<input checked="" type="checkbox"/>)	ANDERSON, RICHARD		W
(<input checked="" type="checkbox"/>)	BAILEY, EDMUND		W
(<input checked="" type="checkbox"/>)	BROWN, WINFRED JR		V
(<input checked="" type="checkbox"/>)	FINK, KENNETH		W
(<input checked="" type="checkbox"/>)	BELL, DANIEL		V
(<input checked="" type="checkbox"/>)	WIDGEON, CECIL		W
(<input checked="" type="checkbox"/>)	ZUPPO, ANTHONY		W

B
S

PARALEGAL APPOINTMENTS

(<input checked="" type="checkbox"/>)	CUBBAGE, JARED	W	W.S.
(<input checked="" type="checkbox"/>)	HARDEN, WALLACE	W	u
(<input checked="" type="checkbox"/>)	Fleming	W	
(<input checked="" type="checkbox"/>)	Pasquale	W	
(<input checked="" type="checkbox"/>)	Pepper	V	

SPECIAL APPOINTMENTS

	NAME	SBI	BLDG
(<input checked="" type="checkbox"/>)	Allen, Mike		S/L
(<input checked="" type="checkbox"/>)	Waddington, Robert		W.

EXHIBIT L

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AFFIDAVIT OF BRIAN ENGREM

I, Brian Engrem, having been duly sworn according to the law, do hereby depose and state the following:

1. I am employed by the State of Delaware, Department of Correction at the Delaware Correctional Center ("DCC") near Smyrna, Delaware as a paralegal. I have been employed by the Department of Correction for four years. My duties include providing legal materials to inmates as requested, who are housed in the Security Housing Unit ("SHU"). The information provided to inmates is accessed through Westlaw or from existing files of the SHU Law Library. I have held this position since April 1, 2001.

2. In response to a request from the State of Delaware Department of Justice, I have obtained documentation relating to the frequency of inmate Monty Pepper's law library usage, the number of uses of the prison's notary, and the frequency and volume of copied pages of legal material provided to Mr. Pepper by the Delaware Correctional Center.

3. While in SHU, inmates are not allowed to go to the law library. They must request law library services. A log is kept of all the law library services requested by inmates in the SHU.

The requests are filled, and the items are sent to the inmate, usually within seven days of the request. On the log, "Date In" means the date the inmate's request was received by the library, and "Date Out" means the date the requested items were sent to the inmate.

4. After Inmate Pepper transferred to the SHU on September 18, 2004, he did not contact the SHU Law Library for any legal services until November 29, 2004. (See Law Library Log attached as Exhibit "E").

5. While in SHU, inmate Pepper received the services of the law library seventy seven times. Copies of case law were made for him as requested. The copy count on the log does not include copies of case law and court rules that were made for Inmate Pepper. The average turn around time for Inmate Pepper's requests was three to five days. (Exhibit E).

6. Paralegals who are employees of the Department of Correction do not provide legal advice, as this is considered practicing law without a license.

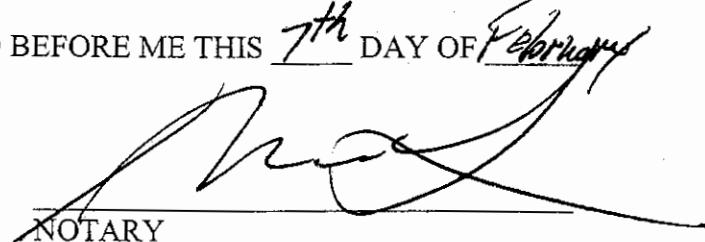
7. Since leaving the SHU, Mr. Pepper continues to have access to the above-listed legal resources in the Main Law Library at DCC.

8. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.



Brian Engrem

SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY OF February
2006.



NOTARY

EXHIBIT M

I/M Name	SBI	DATE IN	DATE OUT	ITEMS SENT
Monty Pepper	156920	11/29/2004	11/30/2004	I/M PL. Response
Monty Pepper	156920	12/2/2004	12/7/2004	Super.Ct.Cr.R.11,32,61; Ct. Cases (3) 7 pgs.
Monty Pepper	156920	12/2/2004	12/9/2004	I/M PL. Response
Monty Pepper	156920	12/9/2004	12/9/2004	Return Super.Ct.Cr.R.11,32,61;Ct.Cases (3)
Monty Pepper	156920	12/13/2004	12/15/2004	I/M PL. Response
Monty Pepper	156920	12/20/2004	12/23/2004	I/M PL. Response; Title11s.2301,2311,3513
Monty Pepper	156920	12/20/2004	12/23/2004	Ct. Case(1) 3pgs.;DE.Const.Art.1s.6
Monty Pepper	156920	12/20/2004	12/23/2004	Super.Ct.Cr.R.41
Monty Pepper	156920	12/28/2004	12/28/2004	Return Title 11 s.3513,2301,2311
Monty Pepper	156920	12/28/2004	12/28/2004	Return Super.Ct.Cr.R.41;DEConst.Art.1s.6
Monty Pepper	156920	12/28/2004	12/28/2004	Return Ct. Case (1)
Monty Pepper	156920	12/28/2004	12/30/2004	Title 10 s. 1004; Fam.Ct.Cr.R.5
Monty Pepper	156920	12/28/2004	12/30/2004	Ct. Cases (2) 9 pgs.
Monty Pepper	156920	1/10/2005	1/11/2005	Ct. Case (1) 2pgs.; Title 11 s.1109,1111;TISPg.1
Monty Pepper	156920	1/10/2005	1/11/2005	Request for Notary
Monty Pepper	156920	1/13/2005	1/18/2005	I/M PL. Response; Memo Re:Beth Savitz
Monty Pepper	156920	1/19/2005	1/19/2005	Title 11 s.1109,1111
Monty Pepper	156920	1/19/2005	1/25/2005	USCA42s. 1983;FPDK.4(4);Ct.Case(1)24pgs
Monty Pepper	156920	1/24/2005	1/27/2005	(1) 1983 Form
Monty Pepper	156920	1/27/2005	1/27/2005	Return FPDK4(4); USCA 42 s. 1983
Monty Pepper	156920	1/27/2005	2/1/2005	I/M PL. Response
Monty Pepper	156920	1/31/2005	2/3/2005	I/M PL. Response
Monty Pepper	156920	2/3/2005	2/8/2005	USCA 18 s.2256; Memo Re: Legal Copies

Monty Pepper	156920	2/9/2005	2/9/2005 Return Ct. Cases (2)
Monty Pepper	156920	2/9/2005	2/11/2005 Photocopies (108pgs); Ct. Case (1) 22 pgs
Monty Pepper	156920	2/16/2005	2/18/2005 I/M PL. Response
Monty Pepper	156920	2/16/2005	2/24/2005 Ct. Case (1) 24 pgs.; Address (1)
Monty Pepper	156920	3/1/2005	3/4/2005 I/M PL. Response
Monty Pepper	156920	3/9/2005	3/17/2005 FRCP 15; USCA42s.1997e&Sheps.
Monty Pepper	156920	3/9/2005	3/17/2005 FPD K.1469
Monty Pepper	156920	3/29/2005	3/29/2005 Return USCA42s.1997e&Sheps.;FPDK1469
Monty Pepper	156920	3/29/2005	3/29/2005 Return FRCP15; Ct. Cases (1)
Monty Pepper	156920	3/29/2005	3/31/2005 Ct. Cases (3) 12 pgs.
Monty Pepper	156920	3/29/2005	3/31/2005 I/M PL. Response
Monty Pepper	156920	4/4/2005	4/4/2005 Return Ct. Cases (2)
Monty Pepper	156920	4/4/2005	4/8/2005 I/M Grievance Procedures return by 4/11/05
Monty Pepper	156920	4/4/2005	4/8/2005 All.Dig.K.641.12(2);FPDK27(2);FRCP15
Monty Pepper	156920	4/4/2005	4/8/2005 Ct.Cases(2)7pgs;USDist.Ct.Appt.CounselF.
Monty Pepper	156920	4/11/2005	4/11/2005 Return Ct. Case (1); I/M Griev. Procedures
Monty Pepper	156920	4/13/2005	4/13/2005 Title 11 s.770-72; I/M PL. Response
Monty Pepper	156920	4/21/2005	4/21/2005 Return Atl.Dig.K.641.12(2); Title 11 s. 770-72
Monty Pepper	156920	4/21/2005	4/21/2005 Return Ct. Cases (1)
Monty Pepper	156920	4/21/2005	4/25/2005 I/M PL. Response; Sent.Red Form
Monty Pepper	156920	4/21/2005	4/26/2005 DE S Ct Not Appl Form; IFP Form
Monty Pepper	194496	4/25/2005	4/26/2005 Ct. Case (1) 10 pgs.
Monty Pepper	156920	5/2/2005	5/10/2005 Photocopies 3 pgs.; TIS Pg.29
Monty Pepper	156920	5/3/2005	5/5/2005 I/M PL. Response
Monty Pepper	156920	5/3/2005	5/10/2005 Super.Ct.Cr.R.35
Monty Pepper	156920	5/17/2005	5/17/2005 ReturnFRCP15;Ct.Case(2);TISPg.29
Monty Pepper	156920	5/17/2005	5/17/2005 Return FPD K.272(2)
Monty Pepper	156920	5/17/2005	5/20/2005 PSHLM T. O.C.
Monty Pepper	156920	5/26/2005	6/8/2005 Ct. Cases (2) 31 pgs; Title 11 s.770-73,1109-11
Monty Pepper	156920	5/31/2005	6/8/2005 Response (See File)
Monty Pepper	156920	6/15/2005	6/15/2005 Return Ct. Cases(2);Title11s.770-73,1109-1111
Monty Pepper	156920	6/15/2005	6/15/2005 Return Super.Ct.Cr.R.35
Monty Pepper	156920	6/15/2005	6/16/2005 Photocopies 90pgs
Monty Pepper	156920	6/15/2005	6/16/2005 CC Penal Discipline-return by June 20, 2005

3/30/05

MR. PEPPER:

You should write the Clerk of the Court for the U.S. District Court, the District of Delaware and ask for a docket sheet for your case. Include all the information. You have sent us. This is the only way that you can track your suit.



GENERAL REQUEST FORM

BLD. = 18
Cell = L8

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

1 Million v Morris 767 F2d 1443 9th Ct
 2 Tucker v Randall 948 F2d 388 2d
Cases on legal calls
 3 MacLary v Carroll 2005 WL 440581 -
2d (D Del Feb 25 2005 (no CIV.A. 03-984(JJF))
law suite

4 _____

RECEIVED

MAR 29 2005

SHU LAW LIBRARY

Name Monty Pepper S.B.I. 0015-6920 Date: 3/25/05

Date Received: 3-29-05 Pay-to Log #: _____

Date Sent 3-31-05 Staff Initials: MB.E.

Staff Notes: Sent: (3) Ct. Cases - 12 pg's

Sent: 7/1/05 Response

(B.E.) 3/31/05

RECEIVED

MAR 29 2005

SHULAW LIBRARY

B.E.

I want to find out the status of my case don't know if that's called Sheperdizing cases or what

But can you get me the Case Log on my case and up coming cases in US District court against DCC here's the case numbers

The civ. no. 05-084-JJF

or

2/23/05

case name Pepper v Carroll et al

case number 1:05-cv-84

Judge Joseph J. Farnan
US District Court

Monty Pepper

18 B 18

3/28/05

Thanks

They still refuse legal calls

4/25/05

Mr. Peppel:

PLEAS ARE PART OF THE SUPERIOR COURT CRIMINAL RULES, DELAWARE RULES ANNOTATED. RULE 11 DETAILS THE STEPS NECESSARY TO INSURE A PLEA IS VOLUNTARY. THE MOST FREQUENTLY USED METHOD TO ESTABLISH IF A PLEA IS VOLUNTARY IS THE PLEA COLLOQUY. SEE FRONAL V. STATE, 399 A2d 529, FOR DETAILS ON PLEA COLLOQUIES. WHEN A DEFENDANT ACCEPTS A PLEA HE ACKNOWLEDGES THAT HE IS GIVING UP AND WAIVING SEVERAL CONSTITUTIONAL RIGHTS. SEE SOMERVILLE V. STATE, 703 A2d 629. IT MUST BE CLEAR ON THE RECORD THAT A PLEA IS VOLUNTARY. BROWN V. STATE, 250 A2d 503.

YOU MAY RESEARCH PLEA BARGAINS UNDER THE FOLLOWING WEST DIGEST TOPICS: CRIMINAL LAW - 36.6, 273.1(2) 273.1(4); ATTORNEY/CLIENT 47.1; SENTENCING AND PUNISHMENT 2264, 2272.

DELAWARE'S RULES OF EVIDENCE, DEL. RULES ANNOT., ARTICLE II, "RELEVANCY AND ITS LIMITS" ARE CONTAINED IN RULE 401-415. GETZ V. STATE, 538 A2d 76, DEALS WITH A PRESUMPTION OF INNOCENCE IN A SEX CASE UNDER RULE OF EVIDENCE # 413.

THIS MATERIAL IS AVAILABLE FROM THE
S.H.U. LAW LIBRARY.

RECEIVED

APR 25 2005

LAW LIBRARY

AB

4/25/05

"In Grievance Procedures" can be signed out from SAN Law Library upon request (BE)

GENERAL REQUEST FORM

BLD. # 15
Cell # 28

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

- 1 Rule 15 Federal Civil Judicial Procedure and Rules can't read writing?
- 2 Freeman v Snyder 2001 EWLS 15LS 8
inmate at DCC Amended complaint To include more defendants have 15 + now in shor of amnity from monty Relife
- 3 42 USCA § 1997 e rules By Prisoners
on nominal Damages Federal Practice Digest 4th 1469 (3rd)
Key 1461 Civil Rights
- 4 need case law on 42 1997 E (c) Dismissal
~~order~~; Sir as this case enters Court I will need more than ~~for~~ ^{for} is the law pertaining to grievance system it is corrupt!
- 5 Sute has been assigned a Judge on 23 need asap
Name Monty Pepper S.B.I. 00156920 Date: Mar 8 05 - Thank

RECEIVED MAR 09 2005
Date Received:

Pay-to Log #

Date Sent 3-17-25

Staff Initials: B.E.

Staff Notes: Sent: FRCP 15; USCA 42 s. 1997e[±] Shps.; FPD K 1469

I have contacted ACLU for help as is. The restrictions to access Law library is damaging to this SOTC as is I informed the SOTC about of exist of my problem hope they understand delays

Office of Disciplinary Counsel

2/3/05

MR. PEPPER:

PLEASE READ RULE 15, FEDERAL CIVIL JUDICIAL PROCEDURE AND RULES, IN THIS RULE IT IS STATED THAT THE COURT WILL GRANT LEAVE TO AMEND PLEADING'S FREELY "IN THE INTEREST OF JUSTICE". IN FREEMAN V. SNYDER, 2001 QLS 1525 THE PLAINTIFF, AN INMATE AT DCC, AMENDED HIS COMPLAINT TO INCLUDE THE WARDEN AND OTHERS IN THEIR OFFICIAL CAPACITY.

YOU SHOULD OBTAIN A COPY OF 42 USC § 1997e, SOITS BY PRISONERS. YOU MAY WISH TO REVIEW CASE LAW ON NOMINAL DAMAGES, FEDERAL PRACTICE DIGEST 4TH, KEY 1461, CIVIL RIGHTS. YOU SHOULD ASK FOR CASE LAW ON 42 § 1997e(c), DISMISSAL. UNDER PART (1) OF THIS SECTION THE COURT CAN DISMISS CASES THAT ARE FOUND TO BE MALICIOUS.

REQUEST FOR FORMS, RULES, STATUTES AND CASE LAW SHOULD BE DIRECTED TO THE SHUMAN OFFICE.

RECEIVED

FEB 03 2005

LAW LIBRARY

(BS)

fee A

Very important need A.S.A.P has
 To Be sent By 15th need to change if needed
 GENERAL REQUEST FORM
 Cir no 05-084-JJF
 BLD. # 18
 Cell # 48

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

Sir need to know if "Warden Carroll" is immune from monetary relief or does he represent DOC on my sute District Court only. Put Warden Carroll and Jane Doe ^{as "defendants"} and John Doe ^{officers} NOT Department of Correction. Should it be "DOC" instead of "Warden Carroll" if so how do I change? Send any forms now with Reply ^{plea} "no time" only have until 15 march on my ACT 42 form I put Warden Carroll & Department of Correction on the first Page But failed to put on Page 3 III Parties "B" only put "Warden Carroll" and "Jane & John Doe officers" NOT "Department of Corrections" been ok'd for in forma pauperis But the filing fee is ~~250~~ 250 not 150? don't know why

Name Monty Pepper S.B.I. 00156970 Date: Feb 28 05

RECEIVED MAR 01 2005

Date Received: _____ Pay-to Log # _____

Date Sent 3-4-05 Staff Initials: B.E.

Staff Notes: Sent: Fm PL Response.

If I need to amend defendants to O.D.C, send papers with response. Do you think 1.5 million is reasonable as punitive and mental and emotional damages? or

GENERAL REQUEST FORM

BLD. # 18
Cell # 48

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

1 I need Larnce V Texas Back
like as 539 US 558 123 SCR 2472

I only have 2 other Rices This 5-for-5 is restrictive

must { I need an address To governors office
 Have { or governors Task Force on prison
 ↗ Legislative Hall, Dover, DE. 19901

2 { is There law pertaining To prison
 { verbal and physical abuse humiliation mental
 { Physical deprivation.
 ↗ if suit is denied at DISTRIC court legal which it is
 yet can I appeal to "US Court of Appeals" if so need paper work & Rules

Name Monty Pepper S.B.I. 00156920 Date: Feb 15 05

Date Received: 2-24-05 Pay-to Log #
 Date Sent 2-24-05 Staff Initials: B.E.

Staff Notes: Sent: (1) Ct. Case - 24 pgs. ; (1) Address

suit has been sent, no ansur back yet! if need to appeal
would it be is US Court of appeals (circuit court (6th circuit) do you have
any info on that? This is "if you have to file in US"

3 Circuit Appeal

February 17, 2005

Mr. Pepper:

42 U.S.C. § 1997ee applies to claims for mental or emotional injury. *Rowe v. Shake*, 196 F.3d 778 (1999). The other descriptive words do not implicate the statute. However, a deprivation of Eighth Amendment right standing alone is a cognizable injury. *Rhodes v. Chapman*, 452 U.S. 337, 344, 101 S.Ct. 2392 (1981)

See Federal Rules of Appellate Procedure 3 for appeals from judgments and orders of district court; Local Appellate Rules 3.4 Notice of Appeal in pro se cases.

The referred statutes, case law, court rules, and notice of appeal for the third Circuit are available through Mr. Brian Engrem, SHU Law Library

RC

GENERAL REQUEST FORM

BLD. = 18
Cell = 48

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

1 I need Larnce V Texas Back
Cite as 539 US 558 123 SCR 2472
I only have 2 other Pices This 5-fer is restrictive

must have { I need an address To governors office
or governors Task force on prison

2 { is There law pertaining To prison
* verbal and physical abuse humiliation mental
Physical deprivatin.
If suit is denied at District court level which it has
yet can I appeal to "US Court of Appeals" if so need paper work & Rules

Name Monty Pepper S.B.I. CO 156920 Date: Feb 15 05

Date Received: RECEIVED FEB 16 2005

Pay-to Log #

RECEIVED

Date Sent 2-18-05

Staff Initials: B.E. FEB 17 2005

Staff Notes: Sent: * I'm PL. Response.

LAW LIBRARY

suit has been sent, no ansur back yet! if need to appeal
would it be is US court of appeals circuit court (what) do you have

Legal Materials are not photocopied for you to have as your own or any other purpose. B.E.

GENERAL REQUEST FORM

BLD. # 18
Cell # L8

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

I need 3 copy's of inclosed SUte and orginal
as soon as possible

(sent back 399 & 2d 529 returned)

1 need 1 copy of Larnce V Texas

Cite as 539 US 558 123 SCT 2472 (23 pages)

2 need Ascroft V The free speech Colation

122 SCT 1389

3 need Pub L 108-21 Title V § 502 (a) 3

Apr 30 2003 117 STAT 678

Thanks

4 I only have one case law now

5 Does this SUte need to be notarised

Name Monty Pepper S.B.I. 00156920 Date: Feb 8 05

Date Received: RECEIVED 2/11/05

Pay-to Log #

Date Sent 2/11/05

Staff Initials: B.E.

Staff Notes: Sent: Photocopies - 108 pg's.; (1) Cf. Case - 27 pg's.

February 8, 2005

Monty Pepper:

In a 42 § 1983 Civil Rights action, you can ask for monetary relief. You can ask for nominal damages and/or punitive damages. See Hock v. Tripedecu, 238 F.Supp.2d 846

However, when you ask for money you create two more grounds to have your case dismissed. First, your case can be dismissed if it "seeks monetary relief from a defendant who is immune from such relief." Second, by asking for a disproportionately large amount of money your case can be dismissed as "malicious". Both of these grounds are codified in Title 42 § 1997e of the United States Code.

Hock v Tripedecu, 238 F. Supp.2d 846 and 42 USC § 1997e are available to you from the SHU law library.

Sincerely,



Monty Pepper Sent: * From PL Response
1813, L8 C0156920 (BE)
ASAP 2/1/05

mr Ingram B.E.

Sorry for the hassel

1 I need another form for SUTE
complaint messed up. Page 1-2
US District Courts
Distri of Del

2 can I sue for monetary relief
in this court \$1.5 million punitive
and other relief have plenty of proof
3 dose this need to be notarised
if yes set it up for as soon
as possible I have it ready
and am ready to file

After it's notarised I send to
you for copy's?

RECEIVED FEB 07 2005 Wardon Carroll
named and Department of Corrections
as defendants This is 19 pages
long all on the same issue abuse
of Powers and inmates we guess
I'll need 4 copy's 1 for me 3 for court
"Other inmates want to be witnesses
got new attorney"

GENERAL REQUEST FORM

BLD. # 18
Cell # 68

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

Please send me The forms To file suit against DCC
I sent a request Friday don't know if you got it The won't give me
general Request forms or any other forms in hear requested
sick call and grievance forms Today and was denied one guard said No!

Also There was a supreme court Ruling on
Fake - computer generated Photos, This was
Probily a computer child Porn - nudest - or
copy right case IT covered That There was no victim
on computer generated images, you might check on
ACLU web site This was in The past 2 years was used
To define child Porn

Name: Mandy Pepper S.B.I. 00156920 Date: Jan 24 05

Date Received: RECEIVED 1-27-05 Pay-to Log #

Date Sent 2-1-05 Staff Initials: B.E.

Staff Notes: Sent: Fm PL Response.

*
Sent
to
main
L.C.
(B.E.)

GENERAL REQUEST FORM

BLD. # 1513
Cell # L8

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

- 1 Lawrence v Texas 123 S.Ct. 2472
- 2 Prisons key #4 (4) westkeydigest Pretrial concl.
- 3 Civil Rights Act 42 USCA § 1983
- Not Sure how do I contact minnors Task Force
- (b6) 4 in 2003-4 Supreme Court Ruling on fake images
and no victim accoatid with computer generated
images on The Internet & PC's I Think
The ACLU was involved
- wish I lived in Canada Canada we all would
be free "socialism" do you have any thing
on That when are we a socialist country
how do we stop it!

Name Monty Pepper S.B.I. 0015-6920 Date: Jan 18 05

Date Received: 2005-01-19 Pay-to Log #

Date Sent 1-25-05 Staff Initials: B.E.

Staff Notes: Sent: USCA 42s 1983; FPD K. 4(4); (1) Case - 24 pgs

Recd

1/14/05

Mr Pepper:

YOU CAN FIND CASE LAW ON PRE-TRIAL CONDITIONS OF CONFINEMENT UNDER Prisons Key #4(4) WEST'S DIGEST KEY NUMBER SYSTEM. YOU MAY FILE A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 USC § 1983, IN DELAWARE DISTRICT COURT IF YOU FEEL YOUR RIGHTS ARE BEING VIOLATED.

THE CASE YOU MAYBE REFERRING TO IS LAWRENCE V. TEXAS, 123 S.Ct. 2472. THIS CASE INVOLVES TWO MEN AND THE ACTS THEY ENGAGED IN, IN THE PRIVACY OF THEIR HOME.

PLEASE REFER TO TITLE 11 § 1103, DEFINITIONS RELATING TO CHILDREN, DELAWARE CODE ANNOTATED, VOLUME 7. THIS STATUTE DESCRIBES PROHIBITED SEXUAL ACTS AND SIMULATION OF SEXUAL ACTS BY CHILDREN OR THOSE WHO APPEAR TO BE CHILDREN. ASHCROFT V. AMERICAN CIVIL LIBERTIES UNION, 124 S.Ct. 2785, THIS CASE CONCERNED THE APPLICATION OF THE CHILD ONLINE PROTECTION ACT (COPA), 47 USC § 231. THE ADDRESS FOR THE AGLOBE DEL. IS:

100 WEST 105 ST., SUITE 309
WILMINGTON, DE. 19801

THESE KEYS, STATUTES AND CASE LAW ARE AVAILABLE FROM THE S.H.U. LAW OFFICE.

Drew Fenelle

1/14/05

I Max have court on the 30

THANKS
BY ELLY XWSS

GENERAL REQUEST FORM

BLD. # 1513
Cell # L8

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

1 I need 108 1004 Duties of officer in custody / is This The same if Child is not in custody ?

2 STATE v Rossi TO 331 A 2d 385

3 Search and Seizure 11 DelC 7P 2301 2211
Del const art I 3 6

4 Court Criminal Rule 41

5 Are Legal calls from DCC a Right or a privilege . I have been denied call questioning child without permission
During a search warrant does this constitute
The abuse of search warrant can it Through it out

6 During a search warrant does this constitute
The abuse of search warrant can it Through it out

Name Monty Pepper S.B.I. 00156920 Date: Dec 15 2004

~~enr~~
Ref Q114
Date Received: RECEIVED 12-20-2004 Pay-to Log # RECEIVED

Date Sent 12-23-04 Staff Initials: B.E. 12-27-2004

Staff Notes: sent to PL response; Title 11 s. 2301, 2311, 3513 LAW LIBRARY
Sent to Ct. Case - 3 pg 3; DE. Const. Art. 1 s. 6; Super Ct. Cr. L. 41

11 Can case or search warrant be dismissed
question 6# I'm not concerned what my son said he is my witness Police would had been aware of that dose this cause a major problem in the case acc to me

GENERAL REQUEST FORM

BLD. # 18
Cell # B L8

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

1. Sirs I need Title 10 S 1004 you sent 11 3573

This deals with statement of a abused child my son is not accuser he is my witness the cop asked questions about the case to get info. cop did this secretly! my son was heading for my sisters car. cop did not ask if he was in danger he wasn't. This information can be used to inform the accuser which is lying! have Proof

2. Divers v. D.O.C. 921 F.2d 191

Family cont Criminal Procedure Rule 5(b)

3. Palmer v. State 626 A.2d 1358

4. have any extra state paper ^{3-45sec TS} They won't give any hear

*1e
Mandatory
Sentencing
Guidelines* 5. constitutionality of sentences by Legislature and plea Bargain system
Name Monty Pepper S.B.I.00156920 Date: Dec 26 04 *Blackmail*

Date Received: RECEIVED DEC 28 2004 Pay-to Log #

Date Sent 12-30-04 Staff Initials: B.E.

Staff Notes: Sent: Title 10 S. 1004; Fam. C. Cr. L. 5;
(2) Ct Cases - 9pgs.

Is plea bargain system legal Blackmail so the reason for higher and higher sentences yet low in a plea

GENERAL REQUEST FORM

BLD. # 18 B
Cell # 68

This request should be used to request general information, case law and/or photocopies from the Law Library. Case law is on loan only! It must be returned to receive any new case law, which is usually loaned out on a five for five basis. There should be no writing on legal materials stamped SHU Law Library.

need The Law - Rules ? on police
questioning a child - without permission
is it Legal ? did The police break The Law
(not worried about admissibat in court)
can They do That
also can Police keep property
Taken from home ~~had~~ during search
warrant when not any Part of a crime
Rules - Laws

Thanks - S.A.P

Name Monty Pepper S.B.I. DO 15 6920 Date: Dec 8 04

Date Received: RECEIVED DEC 13 2004 Pay-to Log #

Date Sent 12-15-04 Staff Initials: D.E.

Staff Notes: Sent: Fm Pl. Response RECEIVED

DEC 13 2004

7:15 PM

EXHIBIT A

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

STATE OF DELAWARE

v.

MONTY C. PEPPER

SBI No. 00156920

)

)

)

)

)

)

I.D. No. 0401017318

05 JUL 20 AM 10:24

PROTHONOTARY

PROTHONOTARY

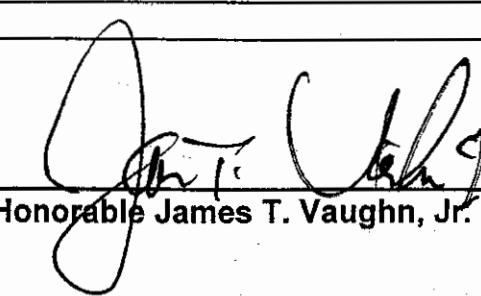
PROTHONOTARY

ORDER

This 19th day of July, 2004, upon consideration of defendant's motion for sentence reduction, response in opposition to the motion by the Deputy Attorney General, prior record, and the sentence imposed upon the defendant;

NOW, THEREFORE, IT IS ORDERED that defendant's motion for reduction of sentence is **DENIED** for the following reason(s):

- The sentence in this case was imposed pursuant to a Plea Agreement between the State and the defendant and signed by the defendant.
- The motion was filed more than 90 days after imposition of the sentence and is, therefore, time-barred. The Court does not find the existence of any extraordinary circumstances.
- Pursuant to Superior Court Criminal Rule 35(b), the Court will not consider repetitive requests for reduction or modification of sentence.
- The sentence imposed is mandatory and cannot be reduced or suspended.
- The sentence was imposed after a violation-of-probation hearing was held, and the Court determined the defendant had violated the terms of his probation. The defendant is not amenable to probation at this time.
- The sentence is appropriate for all the reasons stated at the time of sentencing. No additional information has been provided to the Court which would warrant a reduction or modification of this sentence.
- Other: _____



Honorable James T. Vaughn, Jr.

oc: Prothonotary

cc: Marie O'Connor Graham, Esquire.

Beth Deborah Savitz, Esquire.

Evelyn Stevenson, DCC Classification Officer

Monty C. Pepper, DCC

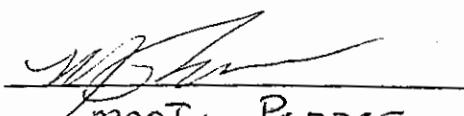
IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR Kent COUNTY
STATE OF DELAWARE
V.
Defendant,
C. A. No. JK 04-03-0352
I.D. No. 0401017318
0402012084

Monty C Pepper,
Defendant,

NOTICE OF MOTION

PLEASE TAKE NOTICE, that the attached Motion To
Reduce will be presented at the convenience of the
Honorable Court,


Monty C. Pepper

DATED: June 16 05

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR Kent COUNTY

State of Delaware)	
vs.)	ID No. <u>0401017318</u>
<u>Monty C Pepper</u>)	Crim. Action Nos. <u>1K 04-02-0594</u>
Correct full name of Movant)	<u>1K 04-03-0351</u>
)	<u>1K 04-03-0352</u>
Movant's Alias(es), if any)	<u>1K 04-03-0366</u>
DOB: <u>3 28 1959</u>)	<u>1K 04-03-0367</u>
SBI: <u>00156920</u>)	<u>1K 04-03-0368</u>

Motion for Reduction
(Sentence Reduction/Modification)

1. The Court imposed Movant's sentence on the following date: 4 15 05
2. The judge who imposed the sentence was: James Vaughn Jr
3. Offenses for which Movant was sentenced and length of sentence(s):

K0402-0594 Rape 2nd Trust 10 ye 1 y Lev 4 8 ye pro 3
K04-03-0351 Child porn Comp 1 yr Lev 5/2 Lev 3
K04-03-0352 Child porn Comp 1 le5 / 2 Lev 3
K04-03-366 Poss child Porn 6 m Lev 5 2 ye-163
IK04-03-0367 Poss child Porn 6 mont Lev 5 / 2 year L3
IK04-03-0368 Poss child Porn 6 month Lev 5 / 2 year L3

4. State the grounds upon which you believe that the Court should modify or reduce your sentence. You must state the relevant facts in support of the grounds you raise:

smx

Ground one 1-1 illegal Sentence Plea Constitutional
Ground one: Under Lawrence v Texas 539 US 558 123 S.Ct 2472

Supporting facts: A Law branding one class of persons as Criminal
Based solely on the States "moral disapproval" of that class and "conduct
associated with that class runs contrary to the values of the constitution and
"Equal Protection Clause" under any standard of review laws banning 1-1

Ground two: 2-1 illegal Sentence

Supporting facts: Constitutionality of child porn possession
Law

Ground three: 3-1 illegal Sentence

Supporting facts: denial of Constitutional Rights
11-111-Through comp use download.

Ground four: 4-1 illegal Sentence

Supporting facts: Constitutionality of age of consent.
Del code 11 Del code 770-773

Wherefore, in light of the above, Movant asks that the Court modify/reduce his/her sentence as follows:

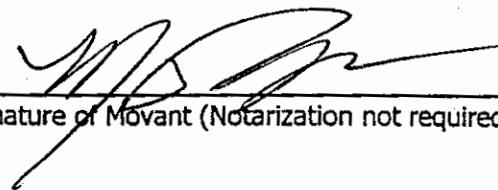
I wish for my "10 year mandatory"
To be reduced To "2 year" or Less
"Porn charges To be reduced To "Probation"
"give me and my son's Life back" address
The Constitutional issues I am a Political Prisoner
Stop The Religious ~~Control~~ respect "Liberty"
Control

Signature of attorney (if any)

I declare the truth of the above under penalty of perjury.

June 14 05

Date signed



Signature of Movant (Notarization not required)

Fear of The government is why I Took a Plea
130 years is a death Threat government Tierniee
is destroying Familys Lives Fear of The government
and STATE is unconstitutional

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
 IN AND FOR NEW CASTLE COUNTY

Monty Pepper Petitioner)
 vs.) C.A. No. _____
 State of Delaware)
 Respondent) Jury Trial Demanded:
) yes ___ no ___
)
)

PETITION FOR RETURN OF PROPERTY

Pursuant to 16 Del.C. § 4784 (j) and Superior Court Civil Rule 71.3, Claimant petitions the Court for return of property seized pursuant to 16 Del.C. § 4784.

1) (a) Name of Claimant Monty C Pepper

(b) Address 228 Bear Golden Rd
Felton Del 19943

(c) Telephone Number 284 9435

2) Description of the property sought to be returned:

1 Dell 933 mhz computer 1 Celeron

1 CD RW maddog writer misc DVDs

Other computers not involved

in any crime taken during search warrant

3) Description of your ownership/interest in the property and how you acquired it:

The Dell was purchased new in my sons computer

CD RW Purchased from store The rest

Purchased used from sale auction

4) (a) Date when property was acquired: Jan 27 unknown

(b) From whom property was acquired: unknown Dell - Office max

5) Provisions of 16 Del. C. § 4784 relied on in asserting that the property is not subject to forfeiture: (e.g., property was unlawfully seized or used without owner's consent - See attached statute)
The 2 used in suspected crime without hard dr
The property was not used in any
crime. Should be returned and others

6) Facts supporting response to question 5:

Evidence shows That They were not used in
Crime and ones suspected Harddrives can be deleted
The others hold Family Photos

Wherefore, the Petitioner hereby prays that the Court grant this Petition for Return of Property, granting such relief as the Court may deem just and fair under the circumstances.



Signature

Date: Jan 11 05

VERIFICATION

STATE OF DELAWARE:
NEW CASTLE COUNTY: SS.

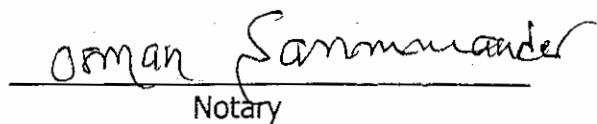
Comes now Monty Pepper, and having been sworn according to law deposes and says that he/she is the Petitioner in the foregoing Petition for Return of Property and that the matters stated in said Petition are true and correct to the best of his/her knowledge, information and belief.



Signature

Date: 1/12/05

Sworn to and subscribed before me this 13th day of January, 2005.



Oman Sammamander
Notary

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

)
)
)
Petitioner)
) C.A. No. _____
vs.)
)
State of Delaware)
)
Respondent)

ORDER

Now, this _____ day of _____, _____ Defendant's Petition
for Return of Property is granted in the following respects:

Judge

Date: _____